



# City of Carmel

## CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE **MINUTES**

**TUESDAY, DECEMBER 5, 2006**

**LOCATION: CAUCUS ROOMS  
CARMEL CITY HALL  
ONE CIVIC SQUARE  
CARMEL, IN 46032**

**TIME: 6:00 P.M.  
DOORS OPEN AT 5:30 P.M.**

Those Present:

**Representing the Committee:**

Dan Dutcher  
Kevin Heber  
Rick Ripma  
Carol Schleif

**Representing the Department:**

Angie Conn  
Mike Hollibaugh

**Of Counsel:**

John Molitor

Rick Ripma called the meeting to order at approximately 6:00p.m.

**The Subdivision Committee met to consider the following items:**

- 1. Docket No. 06010005 Z: Shelborne Property PUD – **CONT. to JAN. 2<sup>nd</sup>****  
The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.  
The site is located on the west side of Shelborne Road, north of 121<sup>st</sup> Street.  
Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.
- 2. Docket No. 06010001 Z: Monon Townes PUD – **WITHDRAWN****  
The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 65 townhomes.  
The site is located at 1001 Rohrer Road.  
Filed by Ann M. Walker for Pulte Homes of Indiana, LLC

**3. Docket No. 06050020 PP: Clay Creek – CONT. to JAN. 2<sup>nd</sup>**

The applicant seeks to plat 30 lots on 29.971 acres.

The site is located on Hoover Road north of 116<sup>th</sup> Street and is zoned S1.

The applicant seeks the following waivers for the proposed plat:

**06050022 SW:** SCO Chapter 6.05.07 Orientation of Home – request to allow dwellings to face internal street

**06050023 SW:** SCO Chapter 7.05.07 Clearing of greater than 15% of mature woodlands. Filed by Charlie Frankenberger for MHE Development Co. LLC.

**4. Docket No. 06080007 PP: Clay Estates WITHDRAWN**

The applicant seeks to plat 4 lots on 2.84 acres.

The applicant seeks the following waivers:

**06080008 SW:** SCO Chapter 6.03.20 Private Streets. **WITHDRAWN**

**06080023 SW:** SCO Chapter 06.03.22 Accel. / Decel, Passing Lanes **WITHDRAWN**

Request to waive requirement of construction acceleration, deceleration and passing lanes.

**06080024 SW:** SCO Chapter 08.09.01: Alternative Transportation **WITHDRAWN:** request to waive requirement of internal sidewalks.

**06080025 SW:** SCO Chapter 08.09.02: Alt. Transportation **WITHDRAWN:** request to waive requirement of perimeter path.

The site is located on 126<sup>th</sup> Street between Spring Violet Place and Sugar Cay Court, and is zoned S1 and S2.

Filed by Gary Murray of The Schneider Corporation for Robert E. Stein of the Stein Investment Group.

**5. Docket No. 06080034 Rezone/06080035 ADLS: Courtyards at Carmel Creek – WITHDRAWN**

The applicant seeks rezoning and ADLS approval for a 7.2-acre parcel, currently zoned R1, requested to be rezoned to the PUD classification to provide for residential development.

The site is located at 1225 East 116<sup>th</sup> Street.

Filed by Charlie Frankenberger of Nelson and Frankenberger for ME Development, Inc.

**6. Docket No. 06090041 PP: Towne Oak Estates.**

The applicant seeks primary plat approval for an 18.75-acre site, to be divided into 16 parcels with one public cul-de-sac access point.

In conjunction with this request, the applicant seeks the following waivers:

**Docket No. 06100025 SW** SCO Chapter 06.03.07 Cul-de-Sac length exceeds 600 feet.

**Docket No. 06100026 SW** SCO Chapter 06.03.21 Request to have one access point for 16 parcels, two access points required for subdivisions with 15 or more lots.

The site is located south of 131<sup>st</sup> Street on Towne Road and is zoned S1.

Filed by Matthew Skelton of Baker and Daniels, LLP for 56 Towne, LLC.

**Present for the Petitioner:** Mark Humphrey of 865 W. Carmel Drive, Eric Batt with Schneider Corporation, and Matt Skelton with Baker and Daniels.

**Petitioner's Presentation:** **Matt Skelton** introduced the project. He discussed the possible trail location. He said that he thinks that the only other item that was dangling out there is the garage door orientation issue that was raised. He said that Mark Humphrey was okay if the houses were all side load with some being carriage load. He said that the closest thing to a front load garage would be a carriage load garage.

**Department Report:** **Angie Conn** said that the petitioner had addressed all of Staff's concerns, so the Department was recommending that the Committee forward the item to the full Plan Commission with a favorable recommendation.

**Rick Ripma** called for public comment. There was none.

**Dan Dutcher** clarified that the motion would need to include a contingency relating to the establishment of a trail connection because the actual trail location and direction wouldn't be nailed down until the secondary plat phase.

**Rick Ripma** asked about the two straight lines in the back showing on the plans.

**Eric Batt** responded that there may have been a discrepancy between what the survey showed and the property lines noted on the GIS systems.

**Matt Griffin** said that the survey is probably more accurate than the County GIS system.

**Rick Ripma** asked if the petitioner was going to do anything about saving the large trees on the site.

**Mark Humphrey** said that they had completed a tree survey and that they were working closely with Scott Brewer to develop a plan. He said that they wanted to save as many of the trees as they possibly could. He noted that the curves of the entry road were a deliberate attempt to save as many trees along the road as they could.

**Rick Ripma** said that he is concerned about encroachment because that has been an issue with the Carmel Clay Parks Department.

**Matt Skelton** said that Al Patterson didn't seem to have a concern about it.

**Dan Dutcher** said that if Al Patterson was comfortable with it and that it would probably be in the best interest of all parties involved for the petitioners to install some sort of marker, so the park property is clearly delineated for the residents.

**Carol Schleif** asked if the petitioners could plant a mix of deciduous and evergreen trees at the entrance. She said that she would like to see green on the property all year long.

**Mark Humphrey** said that wouldn't be a problem.

**Dan Dutcher** asked if there would be any sort of tree preservation plan.

**Matt Skelton** asked if there was any example that the petitioners could look at.

**Carol Schleif** suggested that the petitioners look at the plan established for the Rhorer Road one-story Senior's development.

**Mark Humphrey** said that it would be difficult to show that when they didn't know what the building footprint would look like.

**Kevin Heber** said that the Rhorer Road one-story Senior's development showed trees that the petitioners labeled "probable" or that they would "do their best to save".

**Carol Schleif** said that the petitioners showed the easements and the building lines to give the Plan Commission an idea of the trees that would be endangered.

**Dan Dutcher** said that he thinks that it would be okay with him if the petitioners would just make a commitment to apply the best preservation practices they can.

**Rick Ripma** asked what the island in the cul-de-sac was going to be.

**Mark Humphrey** said that was going to be taken out because it was making the cul-de-sac too tight.

**Rick Ripma** asked if the petitioner would provide a commitment to take it out.

**Mark Humphrey** said that they would.

**Carol Schleif** made formal motion to send Docket number **06090041 PP: Towne Oak Estates**, as well as related docket numbers **06100025 SW** and **06100026 SW** back to the full Plan Commission with a favorable recommendation with the following conditions:

- 1.) **The commitment in principle to construct a trail in collaboration with the Hamilton County Parks Department and Brenwick Development and to have the trail location set during the Secondary Plat phase.**
- 2.) **The commitment to change the wording in the PUD Ordinance with regards to Carriage-loading garages.**
- 3.) **The commitment to work with the Urban Forester, Scott Brewer, to develop a tree preservation plan that could be customized as each lot develops.**
- 4.) **The commitment to remove the island shown on the plans from the center of the cul-de-sac.**

**5.) The commitment to add evergreen trees to the entry.**

**Dan Dutcher** seconded the motion.

Motion was **APPROVED (4-0)**.

**...END...**

**7. Docket No. 06090042 PP: Cherry Tree Grove.**

The applicant seeks primary plat approval for a 20.44-acre site, to be divided into 34 parcels.

The site is located on Cherry Tree Road, south of 146<sup>th</sup> Street, and is currently zoned S1, with S2 zoning pending Council approval.

In conjunction with this request, the applicant seeks the following waiver:

**06100024 SW SCO Chapter 06.03.15** Radius of curvature measured along the center line

Filed by Matthew Skelton of Baker and Daniels, LLP for RDJ Land Development, LLC.

**Present for the Petitioner:** Matt Skelton with Baker and Daniels, and Chris White with RDJ Land Development.

**Petitioner's Presentation:** **Matt Skelton** introduced the project. He said that he was going to discuss the three outstanding issues. He said that the first issue was the reconfiguration of the cul-de-sac, which faces South. He said the next issue was an issue raised by the Engineering Department. He said that the third outstanding issue he would discuss was the garage orientation. He said that only two of the issues would be resolved that evening. He said that the Engineering issue was being resolved and that they were still working on it. He said that Matt Griffin suggested that, as long as the petitioners continued to work with the Department of Engineering and had everything resolved by the Plan Commission meeting, he would be comfortable with the petitioners moving forward on the docket.

**Chris White** discussed the Engineering issue and the issue of cul-de-sac location. He said that as far as the garages are concerned, they would just like some flexibility to be able to accommodate alternative designs. He said that they have said that they would commit to seventy-five percent side, rear, or carriage loading garages, but that they were even willing to up that to ninety percent. He noted that would be a maximum of three lots in the subdivision that could have a front-loading garage.

**Rick Ripma** noted that there was no one from the public present to speak.

**Department Report:** **Angie Conn** said that the Department would prefer that the cul-de-sac be redesigned to the original site plan. She said that the Department understands that the petitioner is also working with Engineering to resolve issues. She said that the Department recommends that the Committee forward the item to the full Plan

Commission with a favorable recommendation.

**Carol Schleif** said that she was concerned with access and she wanted to know about the conservation lot.

**Chris White** said that there was an existing drive off of Cherry Tree Rd. and that the petitioners intended to keep the existing drive as it was for access to the conservation lot. He said that this was to keep from any additional tree removal. He clarified that the conservation lot was a privately owned lot, not common area.

**Carol Schleif** asked if this was calculated in as part of the open space.

**Chris White** responded that it was.

**John Molitor** clarified that the conservation lots qualified under the Open Space ordinance.

Discussion ensued about the Open Space ordinance and how conservation lots fit within it.

**Rick Ripma** said that the advantage to having the conservation lot is that it puts everything away from the road.

**Dan Dutcher** said that it looks like there is about twenty feet between the end of the cul-de-sac and the property line.

**Chris White** said that there was actually about forty feet.

**Dan Dutcher** said that he is still concerned about the movement of the cul-de-sac. He said that he thinks that his concern is that it is close to the neighbor's property and that he is not convinced that the existing fence and tree line would provide a sufficient buffer and that he would like to see some other solution.

**Chris White** suggested that he pull the cul-de-sac back and reorient the lots in there. He made a drawing of the proposed reconfiguration and gave it to Angie Conn to put in the DOCS file.

**Rick Ripma** clarified that there were no homes built behind the proposed cul-de-sac yet.

**Carol Schleif** said that she just doesn't like front-loading garages. She said that she doesn't understand the rezone to S-2 when the lots intended are well under the size of an S-2 lot under the straight zoning classification.

**Chris White** said that the Open Space ordinance allowed them to put in the smaller lot sizes.

**Matt Skelton** said that he is aware of many homes that are multi-million dollar homes which have front loading garages. He said that, though this may be a professional difference of opinion, he thinks that a little variation goes a long way.

Discussion ensued regarding the clarification of the setbacks allowed within the open space ordinance and why the petitioner chose to rezone the property.

**Mike Hollibaugh** said that the petition is not line by line meeting the S-2, but that the petitioners meet the Open Space ordinance which allows them some flexibility with many of the development standards. He said that the petitioners are okay and that they meet the requirements.

**Kevin Heber** said that he is okay to allow the ten percent of front-loading garages because the petitioners are giving the City a huge conservancy lot. He said that the conservancy lot was a nice, creative feature that he would like to see used more often.

Discussion ensued regarding the implications of the open space ordinance and qualifying subdivisions.

**Dan Dutcher** said that he understands Carol Schleif's concerns but that, in this case, ninety percent of the lots works out to be three lots. He said that he doesn't think that three lots is really a reason to not move this project forward. He said that he thinks that it is okay that they are wanting some flexibility and that he feels that the petitioners are making a significant compromise by committing to ninety percent not being front loading garages. He said that he is willing to move forward.

**Carol Schleif** asked the petitioners to commit to a maximum of two lots in the subdivision would be allowed to have front-loading garages.

**Chris White** said that he would commit to having only two lots in the subdivision with front-loading garages.

**Carol Schleif** made formal motion to send docket number **06090042 PP: Cherry Tree Grove and 06100024 SW: SCO Chapter 06.03.15 back to the full Plan Commission with a favorable recommendation conditioned upon a two-lot maximum allowing front-loading garages, the cul-de-sac shifting North consistent with the sketch on file with the Department of Community Services, and the resolution of all Engineering issues.**

Motion was **APPROVED (4-0).**

...END...

The meeting was adjourned at 6:50p.m.